

## **CHAPTER 4**

### **ADMINISTRATION**

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#### **11-4-101 Building Official.**

The Building Official shall enforce the provisions of the Building Code which are adopted by the State of Utah. For such purposes, he shall have the powers of a law enforcement officer. The Building Official shall also have duties and powers as provided in this Ordinance and may be assisted by other persons as the City Council may direct or authorize.

#### **11-4-102 City Planner.**

There is hereby created the office of City Planner. The City Planner shall be appointed by the City Manager with advice from the Planning Commission and with the advice and upon the consent of the governing body. The City Planner shall receive and review applications for development approval as required by this Ordinance. The City Planner may set the agenda for Planning Commission meeting.

#### **11-4-103 Zoning Administrator.**

There is hereby created the office of Zoning Administrator. The Zoning Administrator shall administer and enforce this Ordinance. The Zoning Administrator shall be appointed by the City Manager, with the advice and consent of the Planning Commission and the advice and upon the consent of the governing body. The Zoning Administrator may be assisted by other persons as authorized.

#### **11-4-104 Duties of the City Planner.**

(1) **Site Plan Review.** In addition to application for a building permit, all developments listed in Section 11-7-102 shall submit application for Site Plan Review as provided in Section 11-7-103. No building permit for these developments shall be issued until a site plan is reviewed and approved as provided in Chapter 7 of this Title. The City Planner shall review and make recommendations on all applications which are required to comply with the Site Development Standards specified in Chapter 7 of this Title and shall insure that all information and items required in this Title are included in the application.

(2) **Conditional Use Review.** The City Planner shall receive all applications for Conditional Use Permits as provided for in Chapter 8 of this Title. The City Planner shall see that all information and items required for this application are included in the submittal. This application shall be in addition to the application for building permit.

(3) **Amendments to the Zoning Map or Text.** Applications for amendment to this Ordinance shall be submitted to the City Planner. The amendment process shall proceed as provided for in Chapter 6.

(4) **Administration and Amendment of the Master Plan.** It shall be the responsibility of the City Planner to administer the Farmington City Master Plan, to periodically review the Plan, and to make recommendations for updating the Plan as the City grows and develops. Requests to amend the Master Plan shall be processed in the same manner as an application for a Zoning Amendment.

#### **11-4-105 Duties of the Zoning Administrator.**

The Zoning Administrator shall represent Farmington City in carrying out the stated purposes of this Ordinance and in so doing shall also cause that all required permits be obtained as required herein.

(1) **Variances.** Pursuant to Section 10-9-8 of the Utah Code Annotated, 1953, as amended, the Zoning Administrator shall have the power to decide routine and uncontested matters of the Board of Adjustment pursuant to its established guidelines as outlined in Chapter 5 of this Title. All variances granted by the Zoning Administrator shall be reviewed and approved by the City Manager prior to issuance.

(2) **Building Permits.** The Zoning Administrator shall review all building permit applications to determine compliance with this Ordinance. All applications for building permits shall be accompanied by a plot plan in duplicate. Such plot plan shall be drawn to scale and shall show the actual dimensions of the lot to be built on, any existing buildings or structures and the buildings or structures to be erected. The plan should also show the location of driveways into the property, off-street parking facilities, abutting streets (including right-of-way width), and such other information as may be necessary to accurately locate the lot, to provide for the enforcement of this Ordinance, and to comply with the Site Development Standards of this Title.

(3) **Certificate of Occupancy.**

- (a) No land shall be changed in use or occupancy and no building shall be changed in use or structurally altered until a Certificate of Occupancy shall have been issued by both the Zoning Administrator and the Building Official.
- (b) No Certificate of Occupancy shall be issued unless the contemplated use of the land and/or buildings for which said certificate is requested is in full compliance with the requirements of this Title and applicable building codes.
- (c) A Certificate of Occupancy shall be required for the purpose of maintaining, renewing, changing or extending a non-conforming use.
- (d) No person shall live in an accessory building unless that person has a valid Certificate of Occupancy for such building. The Certificate of Occupancy may only be issued if the accessory building is safe for human occupancy and if the main building or use is incomplete but is reasonably expected to be completed within one month from the date of issuance. Such a Certificate of Occupancy may be issued for a maximum time period of thirty (30) days. Violation of this section is a Class 'C' misdemeanor. For

purposes of this Section only, "live in" means to dwell in or use as a home, sleeping place, or shelter for human beings.

(4) **Home Occupation Permit.** All applications for a home occupation permit shall be submitted to the Zoning Administrator and shall include all information as required in Chapter 35. The Zoning Administrator shall review all applications for compliance with the Home Occupation standards of this Title and may either approve or deny such applications.

(5) **Sign Permits.** As provided in the Sign Ordinance of Farmington City, the Zoning Administrator shall be responsible for issuance of permits for signs, and for the enforcement of the sign regulations.

(6) **Administrative Determination for Uses Not Listed.** Determination as to the classification of uses not specifically listed in Chapters 10 through 26 of this Title may be made by the Zoning Administrator:

- (a) An application requesting such determination shall be filed with the Zoning Administrator. The application shall include a detailed description of the use and other such information as may be required.
- (b) The Zoning Administrator shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Title and shall make a determination of its classification based on his investigations. The determination shall state the zone classification(s) in which the use will be allowed and whether the use will be a permitted use or a conditional use in the zone(s).
- (c) The determination and all information pertaining to it shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the office of the Planning and Zoning Department.

(7) **Appeals from Decisions of the Zoning Administrator.** Any appeal of an action or decision of the Zoning Administrator shall be made to the Board of Adjustment as outlined in Section 11-5-106.

#### **11-4-106 Building Permit Required.**

The erection of any building, structure, any part thereof, or any alteration of an existing building that would permit the extension or enlargement of any use therein, or the preparation of any building site, shall not be commenced except after the issuance of a building permit, signed by both the Building Official and the Zoning Administrator.

#### **11-4-107 Completion of Required Improvements.**

(1) **Single-Family and Two-Family Dwellings.** All applications for construction of a single-family or two-family dwelling on an individual lot shall be accompanied by a bond agreement to insure maintenance of public improvements and provide an incentive for completion of the construction for which a permit is issued. No building permit shall be issued for construction or development on any lot before the applicant completes, or agrees to complete, construction of improvements as required herein within two years from the date of issuance of said permit and to insure the satisfactory condition of the improvements installed on, and in close

proximity to, said lot by posting a bond as set forth hereafter, nor shall said bond be released until the construction for which the building permit was issued is completed. The Bond Agreement shall be signed by the owner of the lot to be improved or by the contractor. The bond shall be in the sum of Five Hundred Dollars (\$500), or Five Dollars (\$5) per front foot, whichever is the greater amount. In no case shall the bond amount exceed One Thousand Dollars (\$1,000) per lot. The purpose of the bond agreement shall be to insure the satisfactory condition of the curbs, gutter, sidewalk, drive approaches, landscaping, paving (including proper patching of asphalt cuts when required), and other public improvements installed on and in close proximity to the individual lot or lots for which the building permit was issued. In addition, the bond is required as an incentive only for the satisfactory completion of the construction for which the permit was issued. Where building permits are issued for houses on lots not abutting City streets, the bond amount may be reduced to a minimum of Five Hundred Dollars (\$500) to satisfy the construction completion requirement, if the owner or contractor produces evidence a bond is in place warranting public improvements to the affected entity who owns the street right-of-way. The bond shall not obligate the City to complete any construction authorized by the issuance of the permit. The bond agreement shall terminate, and the bond, together with accumulated interest, will be released at the time the Certificate of Occupancy is issued, provided that the Building Official has made his inspection and found the construction to be complete and the improvements to be in satisfactory condition. In the event no Certificate of Occupancy has been issued within two years after the issuance of the building permit, the bond agreement shall terminate, and the bond, together with accumulated interest, shall be forfeited to the City.

(2) **On-site Improvements.** Any on-site improvements required by this Title for multiple-family residential uses, commercial uses, commercial recreation uses, industrial uses, or any conditional use, including, but not limited to, landscaping, fencing, curbs, gutters, sidewalks, parking lot paving, or flood control improvements shall be satisfactorily installed prior to issuance of a Certificate of Occupancy and/or a Business License. In lieu of actual completion of required improvements, a developer may file with the City a cash, escrow, or irrevocable letter of credit, on a form acceptable to the City to insure completion of such improvements. The bond amount shall be based on the City Engineer's estimated cost of improvements plus twenty percent (20%). Only the three (3) types of bond agreements specified herein shall be accepted. The maximum time period for a bond to guarantee completion of on-site improvements shall be not more than one year. The bond may be extended by the City Council upon a request by the developer. Upon completion of the improvements for which an on-site bond agreement has been filed, the developer shall call the Planning Department for inspection.

(3) **Off-site Improvements and Other Public Improvements.** Off-site and/or other public improvements required by this Title for multiple-family residential uses, commercial uses, commercial recreation uses, industrial uses, or any conditional use, including, but not limited to, curb, gutter, and sidewalk, paving, fire hydrants, water distribution lines, or flood control improvements shall be installed before permits will be issued for development. In lieu of actual completion of required improvements, a developer may file with the City a cash, escrow, irrevocable letter of credit, or property bond agreement, on a form acceptable to the City to ensure completion of such improvements. The bond amount shall be based on the City Engineer's estimated cost of improvements plus twenty percent (20%). Only the four (4) types of bond agreements specified herein shall be accepted. The maximum time period for a bond to guarantee completion of on-site improvements shall be not more than two (2) years. The bond may be extended by the City Council upon a request by the developer. Upon completion of the improvements for which an off-site bond agreement has been filed, the developer shall call the City for inspection.

(4) **Inspections.** Inspection shall be made within a reasonable time after a request is received. If the inspection shows the City standards and specifications have been met in

completion of the required improvements, the bond may be released within a reasonable time after the inspection. If the bond is not released, refusal to release and the reasons therefore shall be given to the developer within a reasonable time from the time of the inspection. The bond may be partially released based on the percentage of completion of the required improvements.

(5) **Existing Buildings.** The Building Official may require a bond on any alteration or remodel of any existing building if, within his discretion, such alteration or remodel could potentially cause damage to existing public improvements. Any ruling of the Building Inspector regarding the amount of required bond or the release date of the bond on remodels or alterations may be appealed to the City Manager. The purpose of a bond on any alteration or remodel, if required, shall be for the sole purpose of warranting the maintenance of public improvements, and not for the purpose of assuring construction completion for which the permit was taken out. Said bond shall be released immediately after the risk of damaging public improvements has passed.

(6) **Bond Refused.** If the City determines that issuance of a Certificate of Occupancy prior to completion of any required improvement may be injurious to the health, safety, or welfare of the City or its inhabitants, the City may refuse to accept a bond agreement in lieu of actual completion of required improvements or it may limit the time period of the bond to lesser periods than specified herein.

#### **11-4-108      Violations.**

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. The Zoning Administrator shall order the discontinuance of illegal buildings, structures, or additions to buildings or structures; discontinuance of any illegal work being done, or shall take other action authorized by this Ordinance to ensure compliance.

#### **11-4-109      Right of Appeal.**

Any person aggrieved by any decision of the Zoning Administrator or the Planning Commission in the administration of this Ordinance, may appeal such decision in accordance with the provisions of this Section:

(1) An appeal of an action or decision of the Zoning Administrator made in the administration of this Ordinance may be made as outlined in Section 11-5-106.

(2) An appeal of an action or decision of the Planning Commission made in the administration of this Ordinance shall be made to the City Council. Such appeals must be taken within fifteen (15) days of the action or decision by filing a written notice with the City Manager, specifying the grounds for appeal. Only those grounds specified in the appeal shall be considered by the City Council.

(3) An appeal stays all proceedings in furtherance of the action appealed from unless the Planning Commission certifies to the City Council that, by reason of fact stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the appropriate appeal body or by the District Court on application and notice and on due cause shown.

(4) The City Council shall schedule a public hearing to hear the appeal. Notice of the hearing shall be given at least fifteen (15) days prior to the hearing. Notice of the hearing shall

be made as required by law. The City Council may modify the order, requirement, decision or determination appealed from and may make such determination as ought to be made and to that end shall have all the powers of the Planning Commission. A concurring vote of a simple majority of the total membership of the Council shall be necessary to act on the appeal.

(5) Any person aggrieved by or affected by any decision of the City Council may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the Court within thirty (30) days after the rendering of such decision.

11-4-200 and 11-4-300 Amended, 8/15/90, Ord. 90-27

Chapter 4 Amended, 7/17/91, Ord. 91-26

Amended 02/16/2016, 11-4-107, Ord. 2016-07